

**REMARKS**

Claims 1-8, 13, 14, 16-23, 28-32 and 35-42 have been examined and have been rejected under 35 U.S.C. § 103(a).

**I. Rejections under 35 U.S.C. § 103(a) in view of U.S. Patent No. 5,669,040 to Hisatake (“Hisatake”) and U.S. Patent No. 5,587,799 to Kawamura (“Kawamura”).**

The Examiner has rejected claims 1-7, 16-22, 30-32 and 37-41 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hisatake in view of Kawamura.

**A. Claim 1**

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites, “...the first set of parameters representing contents of an image processing based on a result obtained by statistically analyzing the image data and the second set of parameters representing contents of a manual image adjustment,” and, “wherein, the image processing reproducing unit obtains the first and second set of parameters and determines whether the obtained parameters are set, and applies the image processing specified by the obtained parameters on the acquired image data, thereby obtaining adjusted image data.”

In the present invention, two sets of parameters are defined which correspond to parameters for automatic image modification (statistical analyzing) and parameters for manual image adjustment (see, for example, Figs. 28 and 29 of present Application). The first set of parameters require decision by a user whether to apply an automatically modified image by

statistically analyzing the image data (i.e., the automatic image modification is applied, but the parameter does not show that the automatic image modification should be applied). On other hand, in the second set of parameters, the manual image adjustment is expressly instructed by the parameter. Accordingly, if a parameter for automatic image modification is set (first set of parameters), the modification will be applied before the manual modification (second set of parameters) is applied.

In regard to the cited references, Applicant submits that neither Hisatake nor Kawamura disclose two sets of parameters, where the first set is based on a result obtained by statistically analyzing image data and where the second set represents contents of a manual image adjustment, as set forth in claim 1. Since neither of the cited references disclose the two sets of parameters as claimed, the alleged combination of Hisatake and Kawamura fails to teach or suggest the claimed invention.

At least based on the foregoing, Applicant submits that claim 1 is patentable over the cited references.

#### **B. Claims 4-7**

Since claims 4-7 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

**C. Claim 16**

Applicant submits that claim 16 is patentable for at least analogous reasons as presented above for claim 1.

**D. Claims 19-22**

Since claims 19-22 are dependent upon claim 16, Applicant submits that such claims are patentable at least by virtue of their dependency.

**E. Claim 30**

Applicant submits that claim 30 is patentable for at least analogous reasons as presented above for claim 1.

**F. Claims 2, 3, 17, 18, 31-32 and 37-41**

Since claims 2, 3, 17, 18, 31-32 and 37-41 have been canceled, without prejudice or disclaimer, Applicant submits that the rejection of such claims is now moot.

**II. Rejections under 35 U.S.C. § 103(a) in view of U.S. Patent No. 6,377,359 to Higashio (“Higashio”) in view of Kawamura.**

The Examiner has rejected claims 1-6, 8, 13, 14, 16-21, 23, 28-32, 35 and 36 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Higashio in view of Kawamura.

**A. Claim 1**

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites, "...the first set of parameters representing contents of an image processing based on a result obtained by statistically analyzing the image data and the second set of parameters representing contents of a manual image adjustment," and, "wherein, the image processing reproducing unit obtains the first and second set of parameters and determines whether the obtained parameters are set, and applies the image processing specified by the obtained parameters on the acquired image data, thereby obtaining adjusted image data."

In the present invention, two sets of parameters are defined which correspond to parameters for automatic image modification (statistical analyzing) and parameters for manual image adjustment (see, for example, Figs. 28 and 29 of present Application). The first set of parameters require decision by a user whether to apply an automatically modified image by statistically analyzing the image data (i.e., the automatic image modification is applied, but the parameter does not show that the automatic image modification should be applied). On other hand, in the second set of parameters, the manual image adjustment is expressly instructed by the parameter. Accordingly, if a parameter for automatic image modification is set (first set of parameters), the modification will be applied before the manual modification (second set of parameters) is applied.

In regard to the cited references, Applicant submits that neither Higashio nor Kawamura disclose two sets of parameters, where the first set is based on a result obtained by statistically analyzing image data and where the second set represents contents of a manual image adjustment, as set forth in claim 1. Since neither of the cited references disclose the two sets of parameters as claimed, the alleged combination of Hisatake and Kawamura fails to teach or suggest the claimed invention.

At least based on the foregoing, Applicant submits that claim 1 is patentable over the cited references.

**B. Claims 4-6 and 8**

Since claims 4-6 and 8 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

**C. Claim 16**

Applicant submits that claim 16 is patentable for at least analogous reasons as presented above for claim 1.

**D. Claims 19-21 and 23**

Since claims 19-21 and 23 are dependent upon claim 16, Applicant submits that such claims are patentable at least by virtue of their dependency.

**E. Claim 30**

Applicant submits that claim 30 is patentable for at least analogous reasons as presented above for claim 1.

**F. Claims 2, 3, 13, 14, 17, 18, 28, 29, 31-32, 35 and 36**

Since claims 2, 3, 13, 14, 17, 18, 28, 29, 31-32, 35 and 36 have been canceled, without prejudice or disclaimer, Applicant submits that the rejection of such claims is now moot.

**III. Rejection under 35 U.S.C. § 103(a) in view of Hisatake, Kawamura and U.S. Patent No. 5,335,097 to Murakami (“Murakami”)**

The Examiner has rejected claim 42 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hisatake, Kawamura and Murakami. However, since claim 42 has been canceled, without prejudice or disclaimer, Applicant submits that the rejection of such claim is now moot.

**IV. Newly Added Claims**

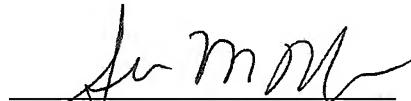
By this Amendment, Applicant has added claims 44-49 to provide more varied protection of the present invention.

**V. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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